

TC

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75610

THIS INDENTURE WITNESSETH: That H. F. SMITH

of the County of Klamath State of Oregon, for and in consideration of the sum of EIGHT THOUSAND AND NO/100 Dollars (\$8,000.00); to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation,

of the County of Klamath State of Oregon, the following described premises situated in Klamath County, State of Oregon, to-wit:

An undivided 5% interest in and to a tract of land more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

COUNTY OF KLAMATH

STATE OF OREGON

Together with the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining. To have and to hold the same with the appurtenances, unto the said ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation, its successors

~~and~~ and assigns forever.

THIS CONVEYANCE is intended as a Mortgage to secure the payment of the sum of EIGHT THOUSAND AND NO/100 Dollars (\$8,000.00) in accordance with the terms of a certain promissory note of which the following is a substantial copy:

\$ 8,000.00 Klamath Falls, Oregon, October 1, 1979.
I (or if more than one maker) we, jointly and severally, promise to pay to the order of ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation,

at Klamath Falls, Oregon,
EIGHT THOUSAND AND NO/100 DOLLARS,

with interest thereon at the rate of 10 percent per annum from date hereof until paid, payable in monthly installments of not less than \$ 77.21 in any one payment; interest shall be paid monthly and

~~is included~~ in the minimum payments above required; the first payment to be made on the 10th day of October 1979, and a like payment on the 10th day of each month thereafter, until the whole sum, principal and interest has been paid; if any of said installments is not so paid, all principal and interest to become immediately due and collectible at the option of the holder of this note. If this note is placed in the hands of an attorney for collection, I/we promise and agree to pay holder's reasonable attorney's fees and collection costs, even though no suit or action is filed hereon; however, if a suit or an action is filed, the amount of such reasonable attorney's fees shall be fixed by the court, or courts in which the suit or action, including any appeal therein, is tried, heard or decided.

* Strike words not applicable.

H. F. SMITH

PARCEL ONE: A tract of land being Lot 1 and a portion of Lot 2 in Block 3 of Tract 1080, Washburn Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of said Lot 1; thence N. 00°04'50" E. 195.00 feet to the Northwest corner of said Lot 1; thence continuing N. 00°04'50" E. 57.80 feet; thence S. 89°25'10" E. 300.00 feet; thence S. 00°04'50" W. 57.80 feet to the Northeast corner of said Lot 1; thence continuing S. 00°04'50" W. 195.00 feet to the southeast corner of said Lot 1; thence N. 89°25'10" W. 300.00 feet to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded August 16, 1976, in Deed Volume M-76 page 12646, Microfilm records of Klamath County, Oregon.

PARCEL TWO: A tract of land situated in Lot 2, Block 3, Tract 1080, Washburn Park, more particularly described as follows: Beginning at a point on the easterly right of way line of Washburn Way, said point being N. 00°04'50" E. 57.80 feet from the Northwest corner of Lot 1, Block 3; thence S. 89°25'10" E. 300.00 feet to the true point of beginning; thence S. 89°25'10" E. a distance of 100.08 feet to a point; thence S. 89°56'30" E. a distance of 51.67 feet to the Northwest corner of parcel conveyed to Ronald T. Williams, et ux, by Deed Vol. M-77, page 17511; thence S. 0°04'50" W. along the West line of last mentioned parcel a distance of 253.26 feet to the North line of Crosby Avenue; thence N. 89°25'10" W. along said North line a distance of 151.76 feet to the Southeast corner of Lot 1, Block 3; thence N. 0°04'50" E. a distance of 252.8 feet, more or less, to the point of beginning.

SUBJECT TO: (1) Rules, regulations and assessments of South Suburban Sanitary District. (2) Reservations and restrictions contained in the dedication of Washburn Park. (3) Reservations and restrictions in deed from Washburn Enterprises, Inc., an Oregon corporation, to Ore-Cal General Wholesale, Inc., an Oregon corporation, dated April 26, 1976, recorded April 20, 1976, in Volume M-76, Page 5673, Deed Records of Klamath County, Oregon. (4) Reservations, restrictions and easement for drainage ditch in deed from Washburn Enterprises, Inc., an Oregon corporation, to Ore-Cal General Wholesale, Inc., an Oregon corporation, dated March 31, 1977, recorded October 2, 1978, in Volume M-78, Page 21885, Deed Records of Klamath County, Oregon. (5) Easement for water line, including the terms and provisions thereof, given by Ore-Cal General Wholesale, Inc., et al, to Oregon Water Corporation, dated March 6, 1978, recorded March 13, 1978, in Volume M-78, Page 4729, Deed Records of Klamath County, Oregon. (6) Easement, including the terms and provisions thereof, given by Ore-Cal General Wholesale, Inc., et al, to Oregon Water Corporation, dated March 10, 1978, recorded March 13, 1978, in Volume M-78, Page 4731, Deed Records of Klamath County, Oregon, for water line. (7) Conditional Assignment of Rents, dated November 18, 1976, recorded November 18, 1976, in Volume M-76, Page 18420, Mortgage Records of Klamath County, Oregon. (8) Mortgage, including the terms and provisions thereof, executed by Ore-Cal General Wholesale, Inc. to First Federal Savings & Loan Association of Klamath Falls, dated November 18, 1976, recorded November 18, 1976, in Volume M-76, Page 18423, Mortgage Records of Klamath County, Oregon, to secure the payment of \$58,500.00. (9) Mortgage, including the terms and provisions thereof, executed by Ore-Cal General Wholesale, Inc. to Klamath First Federal Savings & Loan Association, a corporation, dated October 6, 1978, recorded October 10, 1978, in Volume M-78, Page 22587, Mortgage Records of Klamath County, Oregon, to secure the payment of \$100,000.00.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at _____

this 17th day of October A. D. 1979 at 4:38 clock P.M., and

duly recorded in Vol. M79, of Mortgages on Page 24510

Wm D. MILNE, County Clerk

By Bernice H. Hetch

Fee \$10.50